

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
August 3, 2009

The Tippecanoe County Commissioners met on Monday, August 3, 2009 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President David S. Byers, and Member Thomas P. Murtaugh. Also present were: Attorney Doug Masson, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Jennifer Prange.

Commissioner Knochel called the meeting to order and led the pledge of allegiance.

APPROVAL OF MINUTES

- Commissioner Byers moved to approve minutes from the July 20, 2009 meeting, second by Commissioner Murtaugh; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for July 20, 24, 30, 31, August 3, 4, 2009 as submitted with no exceptions.

- Commissioner Murtaugh moved to approve the accounts payable vouchers as presented, second by Commissioner Byers; motion carried.

HIGHWAY – Opal Kuhl

Highway Director Opal Kuhl requested approval of a Warranty Deed and Temporary Easement Grant for the South River Road Project.

Parcel 6 & 6A - Wesley G. & Bonnie L. Crawford

- Commissioner Murtaugh moved to approve Warranty Deed and Temporary Easement Grant as presented, second by Commissioner Byers; motion carried.

Director Kuhl recommended approval of a Warranty Deed and Temporary Easement Grant for Bridge #210 in Shadeland.

Parcel 1 & 1A - Betty Beaver

- Commissioner Murtaugh moved to approve the Warranty Deed and Temporary Easement Grant as presented, second by Commissioner Byers; motion carried.

Approval was requested for a Performance Bond and Payment Bond for the 2009 Bridge Rehabilitation Project from Pioneer Associates, Inc. each in the amount of \$261,217.75

- Commissioner Byers moved to approve the Performance Bond and Payment Bond as presented, second by Commissioner Murtaugh; motion carried.

Director Kuhl recommended the bid from HIS Contractors be accepted for the Bridge #210 and County Road 300 South Project in the amount of \$827,888.84. She added Butler Fairman and Seifert reviewed the bids and also verified references for HIS Contractors.

- Commissioner Murtaugh moved to award the contract for Bridge #210 and County Road 300 South Project to HIS Contractors, second by Commissioner Byers; motion carried.

REZONE – Z-2408 Joseph J. Klutzke Revocable Living Trust (R1 to GB), Ordinance 2009-11-CM

- Commissioner Byers moved to hear Rezone Z-2408; Joseph J. Klutzke Revocable Living Trust (R1 to GB), second by Commissioner Murtaugh; motion carried.

(quote)

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: Z-2408--JOSEPH J. KLUTZKE REVOCABLE LIVING TRUST (R1 to GB): Petitioner is requesting rezoning of 1.15 acres located on the north side of Schuyler Avenue, more specifically 2666 State Road 25 North, Fairfield Longlois Reserve (E1/2) 23-4. *CONTINUED FROM THE JUNE APC MEETING AT PETITIONER'S REQUEST*

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 15, 2009 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from R1 to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment. Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their Tuesday, August 3, 2009 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

/s/Sallie Dell Fahey
Executive Director

(unquote)

Thomas Brooks Jr. on behalf of the petitioner requested a rezone for property located on Schuyler Avenue. The beneficiaries of the trust are attempting to rezone the property in an effort to liquidate the assets. Appraisers suggested the property is better served and will sell quicker as a commercial property rather than residential. Mr. Brooks added the property is a very short distance from SR 25 and surrounded by businesses.

Auditor Weston recorded the Vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2009-11-CM passed 3-0.

BUILDING COMMISSION – Ken Brown

Steve and Michelle Mitchell Property

4918 Sherman Street, Buck Creek - Zoning Officer Ken Brown stated the home has been on the unsafe structure list for over a year as the Building Commission worked with Mr. Mitchell on bringing the home into compliance. Mr. Brown reported the deteriorated roof has allowed a significant amount of water into the home at which time he ordered the power be disconnected to the home. He added the Health Department declared the home unfit for human habitation at that time.

Mr. Mitchell stated he presented a letter to the commissioners which expressed his intentions for the property. He said they had intended to cooperate fully and bring the home into compliance but was unable to secure a loan. Mr. Mitchell said the structure of the home is solid and with his experience as a firefighter he believes the interior of the home is not threatened by the current condition. Mr. Mitchell added his neighbors have his contact information and if there is a problem they can contact him. At the end of September he and his wife plan to file bankruptcy and return the home to the bank. He believes boarding up the property to prevent trespassing will draw more attention to the home and present an opportunity for theft. Mr. Mitchell believes the home is safe and the potential for damage is minimal.

Commissioner Knochel stated there have been issues with the home for years. He cannot support the owner due to the longevity of the issues and intends to support the Building Commission on their decision.

Commissioner Murtaugh stated if there is no intention to repair the home, the Building Commission needs to proceed quickly to rectify the situation.

- Commissioner Murtaugh moved to proceed with the recommendation of the Building Commission and notify the owner and lien holder of demolition and hear the case again on September 21, 2009, second by Commissioner Knochel; motion carried.
Commissioner Byers abstained.

Beverly Adams Property

6900 Church Street in Colburn – Mr. Brown reported the home has been vacant for a long time. He doesn't believe there are intentions on the owner's behalf to repair the property. Attorney Doug Masson stated the banks attorney was notified and there has been no communication from them at this point.

- Commissioner Murtaugh made a motion to proceed with the demolition of the home and to notify the owner with a formal order and hear the case again on August 17, 2009, second by Commissioner Byers; motion carried.

Ash Grove Elevator Property/Daniel Cartmel

Corner of Harrison Road and 900 North – Zoning Officer Ken Brown stated this structure is in need of immediate attention. There is the threat of the roof collapsing and shedding of sheet metal during high winds. Attorney Masson stated an order was issued for repairs of the structure and there has been no contact from the owner.

- Commissioner Byers moved to reaffirm the Building Commission's decision on the demolition of a portion of the property and add a civil penalty of up to \$5,000, second by Commissioner Murtaugh; motion carried.

CARY HOME – Rebecca Humphrey

Director Humphrey requested approval to accept a grant from the Drug Free Coalition for \$3,670 for cameras to be installed in the girls unit.

- Commissioner Byers moved to accept the grant from the Drug Free Coalition, second by Commissioner Murtaugh; motion carried.

She also requested approval of a Sponsorship Agreement for decorating the Courthouse for Red Ribbon Week on October 18th through October 24th, 2009.

- Commissioner Murtaugh moved to approve the Sponsorship Agreement for Red Ribbon Week, second by Commissioner Byers; motion carried.

JUVENILE ALTERNATIVES – Laurie Wilson

Grant Facilitator Laurie Wilson requested approval to accept funds from the Drug Free Coalition for the Staying Connected with Your Teen Program for \$3,760.50 for education materials.

- Commissioner Murtaugh moved to accept the grant as presented from the Drug Free Coalition, second by Commissioner Byers; motion carried.

She also requested approval to accept funds for the Intensive Substance Abuse Program for \$4,000 from the Drug Free Coalition.

- Commissioner Murtaugh moved to accept grants funds as presented from the Drug Free Coalition, second by Commissioner Byers; motion carried.

GRANTS – Laurie Wilson

Grant Facilitator Laurie Wilson requested approval to accept \$16,000 from the Drug Free Coalition for Court Services. The funds will be used for the Forensics Drug Court Program.

- Commissioner Byers moved to accept the grant for Court Services as presented, second by Commissioner Murtaugh; motion carried.

MAINTENANCE – Mike Haan

Maintenance Director Mike Haan requested permission to repair the Courthouse dome. The dome has been deteriorating in the past few years; small repairs have been made over the years and now water is entering into the dome. The proposal includes cleaning the dome, repairing the cracks, and repainting the entire dome. Director Haan stated a proposal for the work is \$99,935 for repair and restoration with Pioneer Restoration. He reported the 629 N. 6th Street building also needs roof repairs; he is proposing the old roof be removed and install a different type of roof to prevent leaks in the future.

Commissioner's Assistant Frank Cederquist offered suggestions for funding the projects from the Cumulative Capital Budget, EDIT funds, or from the General Fund. The Cumulative Capital Budget has enough funds for the repair of the dome and a new roof for the 629 N. 6th Street building.

- Commissioner Murtaugh moved to proceed with the repairs of the Courthouse dome, second by Commissioner Byers; motion carried.

UNFINISHED/NEW BUSINESS

None

REPORTS ON FILE

Health Department
Mail and Duplicating
Parks
Department of Child Services
Treasurer

PUBLIC COMMENT

Paul Wright – West Point – referenced HB 1001 requires the county to mail notice of budget proceedings and proposed tax rates and levies to each taxpayer that permits a taxpayer to appeal a taxpayer's assessment within 45 days of receiving a notice. Auditor Weston stated the law was amended which states counties are no longer required to send such notice. She added the budget notice is printed in both local newspapers before budget hearings. Mr. Wright shared his disappointment with the commissioners at the last meeting when they did not reveal the amount or the vendor for the MITS Voice-Over Internet Protocol System. The amount of the contract was \$600,000 and he feels that is a significant amount of money and should have been disclosed publicly.

Commissioner Murtaugh stated the MITS project has been in the Capital Improvements Plan and budget for over two years. Commissioner Knochel said Mr. Wright's point is well taken but with the amount of contracts received in the county, the commissioners are unable to address each one at a public meeting.

Mr. Wright added that he is representing the public at these meetings to ensure the commissioners are accountable for their actions.

James Werner – Assessor’s Office – stated the Assessor will send out Form 11’s as soon as trending is finished and taxpayers will have 45 days to appeal.

Sadie Harper-Scott – complimented Assessor Samantha Steele on her hard work in the last few months.

- Commissioner Byers moved to adjourn.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

John L. Knochel, President

David S. Byers, Vice President

Thomas P. Murtaugh, Member

ATTEST:

Jennifer Weston, Auditor